

Interview Summary	Application No. 10/069,481	Applicant(s) TAKAYAMA ET AL.	
	Examiner Sabiha Naim Qazi	Art Unit 1616	

All participants (applicant, applicant's representative, PTO personnel):

(1) Sabiha Naim Qazi, Ph.D. (Examiner).

(3) _____.

(2) Ann Konabau (Attorney).

(4) _____.

Date of Interview: 17 December 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: All pending claims.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: All rejections were discussed in detail. Rejections over Ono and Miyamoto will be withdrawn because they do not teach alpha position. Other rejections are maintained for the same reasons as set forth in our previous office action. Ms. Konabau discussed the possibility of filing a declaration for the comparison of 2-substituted alpha and beta vitamin D compounds. Posner et al. in WO 96/01811 disclose some data for structurally similar 2-substituted alpha vitamin D compounds, which cannot be compared with the results provided in present application for the same compound, because this will not be a side by side comparison, see MPEP 716.02(e). Since the assay was carried out at different labs, in different conditions, in different environment and by different scientists, the data cannot represent a proper comparison. Furthermore, other prior art do teach 2-alpha substituted vitamin D which are presently claimed, either they are anticipated or they are considered obvious. Applicant is requested to clearly show the criticality of the present invention. .